

**United States District Court**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**for the**

6/2/17

SEAN F. McAVOY, CLERK

## Eastern District of Washington

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: James Andrew Flett

Case Number: 0980 2:11CR00105-EFS-1

Address of Offender:

, Wellpinit, Washington 99040

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: February 9, 2012

Original Offense: Crime on Indian Reservation - Robbery, 18 U.S.C. §§ 1153(a) and 2111

Original Sentence:	Prison - 36 months TSR - 36 months	Type of Supervision: Supervised Release
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Revocation Sentence	Prison - 70 days
November 10, 2015:	TSR - 23 months

Asst. U.S. Attorney:      Alison L. Gregoire

Date Supervision Commenced: November 19, 2015

Defense Attorney: Federal Defender's Office

Date Supervision Expires: October 18, 2017

## PETITIONING THE COURT

**To issue a warrant.**

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number	Nature of Noncompliance
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1        **Standard Condition # 2:** The defendant shall report to the probation officer in a manner and frequency directed by the Court and probation officer.

**Supporting Evidence:** On March 15, 2017, the offender appeared before Your Honor for the purpose of a supervised release violation hearing. The offender at that time was ordered to continue supervision on the same terms and conditions previously imposed.

On May 25, 2017, the undersigned was notified by the offender's substance abuse treatment provider that a case manager had received information the offender was allegedly intoxicated and attempted a possible theft on May 24, 2017. The provider advised that the behavior was not directly witnessed by the provider or case manager, but did state the offender contacted the provider on May 24, 2017, and advised he would be unable to attend treatment on that date due to work.

On May 25, 2017, the undersigned contacted the offender's employer who advised that the offender was not at work on May 24, 2017. A text message was sent to the offender's phone on May 25, 2017, directing the offender to report to the probation office no later than May

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26, 2017, by 4:00 p.m. Phone calls were also made that same day to the offender and voice mails left. The offender left the undersigned a voice mail on May 26, 2017, at 8:47 a.m., which the undersigned returned at 8:53 a.m. and attempted again at 8:55 a.m., but received no answer. The offender failed to report to the probation office by May 26, 2017, as directed.

- 2      **Special Condition # 16:** Defendant shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. Defendant shall contribute to the cost of treatment according to Defendant's ability to pay. Defendant shall allow full reciprocal disclosure between the supervising officer and treatment provider.

**Supporting Evidence:** On March 15, 2017, the offender appeared before Your Honor for the purpose of a supervised release violation hearing. The offender at that time was ordered to continue supervision on the same terms and conditions previously imposed.

The undersigned received notification from the Spokane Tribe substance abuse program that the offender is currently non compliant with treatment. The program's monthly progress report for the month of May 2017, states the offender was to attend eight group sessions for the month. The offender attended none, two misses were excused and six were un-excused. The offender was also to have attended a total of three one-on-one sessions during the month of May 2017. The offender attended none, two of which were un-excused, the other was unscheduled.

The offender is being discharged from the current level of care, level 1.0 outpatient, and a higher level of care, level 2.1 outpatient, is recommended by the provider.

- 3      **Special Condition # 17:** Defendant shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** On March 15, 2017, the offender appeared before Your Honor for the purpose of a supervised release violation hearing. The offender at that time was ordered to continue supervision on the same terms and conditions previously imposed.

On May 9, 2017, the offender submitted a urinalysis sample for the Spokane Tribe substance abuse program that returned with a positive result for benzodiazepines. The offender has not provided the program provider with any valid prescription information.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the offender to answer to the allegations contained in this petition.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 2, 2017

s/Charles J. Kuipers

Charles J. Kuipers  
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action  
☒ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☐ Other

s/ Edward F. Shea

Signature of Judicial Officer

June 2, 2017

Date